

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF ESTONIA  
CONCERNING  
COOPERATION IN THE AREA OF THE PREVENTION OF PROLIFERATION  
OF  
WEAPONS OF MASS DESTRUCTION, AND THE PROMOTION OF DEFENSE  
AND  
MILITARY RELATIONS**

The Government of the United States of America and the Government of the Republic of Estonia, hereinafter referred to as the Parties,

With a view to countering the proliferation of weapons of mass destruction, and technology, materials, and expertise related to such weapons;

Desiring to prevent the unauthorized transfer and transportation of nuclear, biological, and chemical weapons and related technology and materials;

Desiring to promote cooperation between the Government of the United States of America and the Government of the Republic of Estonia in the area of defense and military relations:

Have agreed as follows:

**ARTICLE I**

The Parties shall cooperate in order to assist the Government of the Republic of Estonia in achieving the following objectives:

- (a) the establishment of verifiable measures against the proliferation of weapons of mass destruction from the Republic of Estonia, and technology, materials, and expertise related to such weapons;
- (b) the prevention of unauthorized transfer and transportation of nuclear, biological or chemical weapons and related materials;
- (c) the promotion of defense and military relations, including but not limited to, regular meetings between senior and mid-level military officials, visits and exchanges, and other bilateral contact activities,
- (d) such other objectives as are mutually agreed.

## ARTICLE II

1. In order to achieve mutually agreed objectives listed in Article I of this Agreement, the Government of the United States of America may, as appropriate, provide the following types of assistance to the Government of the Republic of Estonia:

- a. Support for bilateral and multilateral technical and policy level discussions;
- b. Classroom and on-site training for officials of the Republic of Estonia including officials of the Ministry of Defense, Ministry of Interior (Rescue Board, Security Policy, Border Guards), Ministry of Finance (National Customs Board), Ministry of Foreign Affairs (Licensing) and others;
- <sup>4</sup> c. Experts to assist the Republic of Estonia in any area of agreed cooperation;
- d. Evaluation and improvement of systems, programs, and regulations;
- e. Provision or loan of materials and equipment, including computers and computerized systems;
- f. Provision of services;
- g. Support for defense and military contacts;
- h. Such other types of assistance in the form of materials or other goods, equipment, supplies, technology, training, or services as may be agreed in writing by the Parties.

## ARTICLE III

- 1. The Parties, through their Executive Agents, may enter into implementing agreements or arrangements as appropriate to accomplish the objectives set forth in Article I of this Agreement.
- 2. In case of any inconsistency between this Agreement and any implementing agreements, the provisions of this Agreement shall prevail.

## ARTICLE IV

Each party shall designate an executive agent to implement this Agreement. For the Government of the United States of America, the Executive Agent shall be the Department of Defense. For the Government of the Republic of Estonia, the Executive Agent shall be the Ministry of Internal Affairs.

## ARTICLE V

Except as otherwise provided in this Agreement or in an implementing agreement, the terms of this Agreement shall apply to all equipment, supplies, materials or other goods, technology, training or services provided in accordance with this Agreement or implementing agreements, and to all related activities and personnel. All equipment, supplies, materials or other goods, technology, training, or services provided in accordance with this agreement shall be used exclusively for the purposes for which they are provided by the Government of the United States of America in support of the objectives listed in Article I of this Agreement.

## ARTICLE VI

1. The Government of the Republic of Estonia shall facilitate the entry and exit of employees of the Government of the United States of America and contractor personnel of the Government of the United States of America into and out of the territory of the Republic of Estonia for the purpose of carrying out activities in accordance with this Agreement.
2. Aircraft and vessels, other than regularly scheduled commercial aircraft and vessels, used by the Government of the United States of America in connection with activities pursuant to this Agreement in the Republic of Estonia shall be free of customs charges, landing fees, navigation charges, port charges, tolls and any other charges assessed on the territory of the Republic of Estonia. Aircraft operated by the United States Department of Defense shall also be free of inspections. The arrival of the above mentioned aircraft and vessels will be previously agreed upon by the relevant authorities of the Parties.
3. If an aircraft other than a regularly scheduled commercial aircraft is used by the Government of the United States of America for transportation to the Republic of Estonia, its flight plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft, including in the remarks section of the flight plan a confirmation that the appropriate clearance has been obtained. The relevant authority in the Republic of Estonia shall provide, at no expense to the United States of America, parking and security protection, and, if mutually agreed, servicing and fuel, for aircraft of the United States of America.

## ARTICLE VII

Unless the written consent of the Government of the United States of America has first been obtained, the Government of the Republic of Estonia shall not transfer title to, or possession of, any equipment, supplies, materials or other goods, technology, training or services provided pursuant to this Agreement to any person or entity, other than an officer, employee or agent of a party to this agreement and shall not permit the use of such equipment, supplies, material or other goods, technology, training or services for

purposes other than those for which it has been furnished. The Government of the Republic of Estonia shall take all reasonable measures within its power to ensure the security of equipment, supplies, materials or other goods, technology, training or services provided pursuant to this agreement and shall protect them against seizure, conversion or misuse.

#### **ARTICLE VIII**

1. The Government of the Republic of Estonia shall, in respect of legal proceedings and claims, other than contractual claims, hold harmless and indemnify the Government of the United States of America and its personnel, contractors, and contractors' personnel, for damages to property, or death or injury to any persons in the Republic of Estonia, arising out of activities under this agreement.
2. The provisions of this Article shall not prevent the Parties from providing compensation in accordance with their national laws.
3. Nothing in this Article shall be construed to prevent legal proceedings or claims against nationals of the Republic of Estonia or persons ordinarily resident in the Republic of Estonia.

#### **ARTICLE IX**

The activities of the Government of the United States of America under this Agreement are subject to the availability of appropriated funds.

#### **ARTICLE X**

Military and civilian employees of the Government of the United States of America present in the territory of the Republic of Estonia for activities related to this Agreement shall be accorded privileges and immunities equivalent to those accorded administrative and technical staff personnel in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961.

#### **ARTICLE XI**

1. The Government of the United States of America, its personnel, contractors, and contractors' personnel shall not be liable to pay any tax or similar charge assessed within the territory of the Republic of Estonia or any of its instrumentalities or subdivisions, on activities undertaken in accordance with this Agreement. The provisions of this paragraph shall not exempt any contractor-personnel who are nationals of or ordinarily resident in the Republic of Estonia, and are present in the Republic of Estonia in connection with such activities, from income, social security, or any other taxes imposed by the Government of the Republic of Estonia, or by any instrumentalities or subdivisions thereof, regarding income received in connection with the implementation of programs of

assistance provided by the Government of the United States of America under this Agreement.

2. The Government of the United States of America, its personnel, contractors, and contractors' personnel may import into, and export out of, the Republic of Estonia any equipment, supplies, materials or other goods, technology, training or services required to implement this Agreement. Such importation and exportation of articles or services shall not be subject to any license, other restrictions, Customs duties, taxes or any other charges assessed within the territory of the Republic of Estonia or any of its instrumentalities or subdivisions. Without prejudice to the rights and privileges of military and civilian employees of the Government of the United States of America under Article X of this Agreement, any inspections related to the importation and exportation of articles or services required to implement this Agreement shall be conducted on an expedited basis.

### ARTICLE XII

In the event that the Government of the United States of America awards contracts for the Acquisition of articles and services, including construction, to implement this Agreement, such contracts shall be awarded in accordance with the laws and regulations of the United States Of America. Acquisition of articles and services in the Republic of Estonia by or on behalf of the Government of the United States Of America in implementing this Agreement is exempted from any taxes, customs duties or similar charges assessed within the territory of the Republic of Estonia or any of its instrumentalities or subdivisions on the same conditions applicable at the time of signature to the embassy of the United States of America in Estonia. The Government of the Republic of Estonia shall notify the Government of the United States of America of any changes in such conditions.

### ARTICLE XIII

Upon written request provided thirty days in advance, representatives of the Government of the United States of America shall have the right during the period of this Agreement and for three years thereafter, to audit and examine the use of any equipment, supplies, materials or other goods, technology, training or services provided in accordance with this Agreement, at sites of their location or use, and shall have the right to audit and examine all records or documentation related to the use of equipment, supplies, materials or other goods, technology, training or services provided in accordance with this Agreement.

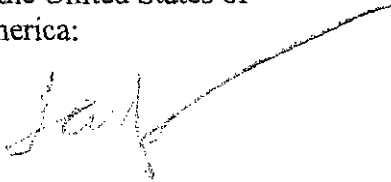
### ARTICLE XIV

This Agreement shall enter into force upon the date on which the Parties exchange diplomatic notes confirming the completion by each party of all applicable procedures required for entry into force of this Agreement, and shall remain in force for seven years. This Agreement may be amended or extended by the written agreement of the Parties and

may be terminated by either party upon ninety days written notification to the other party of its intention to do so. Notwithstanding the termination of this Agreement or the implementing agreements, the obligations and rights of the Parties in accordance with Articles VII and VIII of this Agreement shall continue to apply, unless otherwise agreed in writing by the Parties. Notwithstanding the termination of this Agreement or the implementing agreements, the rights of the Government of the United States of America under Article XIII of this Agreement shall continue to apply in accordance with the terms of that Article.

Done at Tallinn this 11<sup>th</sup> day of October, 2002, in duplicate, in the English and Estonian Languages, both texts being equally authentic.

For the Government  
of the United States of  
America:



For the Government  
of the Republic of  
Estonia:

